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### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark D. Saralino on October 3, 2008.

The application has been amended as follows: The text of the Abstract following the heading "ABSTRACT" has been replaced with --An optical pickup device capable of correcting an off-tracking which is ascribable to a phase shift of a differential push-pull signal waveform, even when an optical disk or an objective lens is tilted along a radial direction of the optical disk, so that stable tracking control can be performed; and, an optical disk apparatus comprising such an optical pickup device.--

### ***Allowable Subject Matter***

2. Claims 1-3 are allowed for the reasons specified in Applicant's Remarks filed September 26, 2008 (see also Pages 6-7 of the Final Rejection mailed July 28, 2008).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Battaglia whose telephone number is (571)272-7568. The examiner can normally be reached on M-F, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael V. Battaglia/  
Primary Examiner, Art Unit 2627